

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, OCTOBER 19TH, 2023 AT 8:08 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Vice-Chairman Michael Wyum, Managers Roger Zetocha, Bruce Speich and Todd Stein. Also in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, Sargent County Commissioners Scott Johnson and Marke Breker, and Sargent County Road Supervisor Tim Faber. Present via video conference was Attorney Sean Fredricks of Ohnstad Twichell, Josh Hassell and Brady Woodard of Moore Engineering, and landowners Bob Banderet, Tony Mallberg .Leon Mallberg.

Manager Zetocha moved to approve the September 21st, 2023 regular meeting minutes and the September 2023 Financial Statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the bills.

86044Ohnstad Twichell- correspondence \$128.53/Summit Utility Permits \$1,327.50/T. Speich tile app. \$689.21;Drain No. 11-Improv. Proj. \$360.00/Eminent Domain \$14,231.34
Total: \$16,736.58

86041Moore Engineering-Meetings \$2364.33;Drain No. 4 assessment \$2240.00;Drain No. 11 assessment \$2681.25;Drain No. 7 assessment \$2287.50/Construction Services \$13,487.50
Total: \$20,773.08

86040Jerry's Backhoe Service-Drain No. 11 remove cattails/dirt **Total: \$360.00**

86039Helwig Excavating, Inc.-Drain No. 4 clean out\$4,100.00;Drain No. 11 clean out \$550.00
Total: \$4,650.00

86049True North Stee- Drain No. 11 culvert **Total: \$8,852.84**

86045Peace Durick PLLC-Drain No. 7 reassessment **Total: \$405.00**

86038Dakota Improvement-Drain No. 11 clean out **Total: \$1,750.00**

86037Comstock Construction, Inc.- Drain No. 7 2nd pay application **Total: \$510,034.03**

86046R.J. Zavoral- Drain No. 11 final pay application **Total: \$79,918.83**

Manager Zetocha seconded the motion. Upon roll call the motion carried unanimously.

	Lucas Siemieniewski	Travel	
86048	Todd Stein	Travel	\$10.48
86050	Michael Wyum	Travel	\$17.03
86051	Roger Zetocha	Travel	\$32.75
86047	Bruce Speich	Travel	\$26.20
DD	Lucas Siemieniewski	PD	
DD	Todd Stein	PD	
DD	Michael Wyum	PD	
DD	Roger Zetocha	PD	
DD	Bruce Speich	PD	
DD	Wendy Willprecht	Sec-Treas -Salary less taxes \$457.17	\$2,475.05
DD	Stock Grower's Bank	Withholding Taxes	
DD	ND State Tax Commission	State Tax	
DD	Job Service ND	Unemployment Comp.	

Drain No. 11:

DRAFT

DRAFT

Project: Trosen presented the R. J. Zavoral pay application received. The SCWRD has paid up to substantial completion. The board has held back 2 ½ % of the project cost as there were punch list items still to complete. The final payment requested by Zavoral under the pay application is \$79,918.83. Trosen recommended issuing payment based upon the acceptability of the work complete.

A motion was made by Manager Speich and seconded by Manager Stein to approve the final balancing change order. Upon roll call, the motion carried unanimously.

A motion was made by Manager Zetocha and seconded by Manager Stein to issue payment for the final pay application. Upon roll call, the motion carried unanimously.

Brady Woodard, engineer for Moore Engineering, said that Pro Landscapers were unable to replace the culvert in this drain because of timing & weather. As a result, Industrial Builders will replace the culvert for the board on Monday of next week. Trosen said he will update the board after the culvert installation is complete.

Glen Thompson Utility Permit: To date we have not received a signed utility permit from Mr. Thompson. Mr. Thompson has indicated he will not execute his closing documents until he has permission to install and maintain his tile across the property he is conveying to the Board. Fredricks prepared a draft Utility Permit for Mr. Thompson to sign. Trosen will reach out to Mr. Thompson as will Manager Stein.

Beaver Dam: Vice-Chairman Wyum said that there is a beaver dam south of Lloyd Ptacek's. Part of the dam is sitting at the end of the culvert. Jerry Bohnenkamp will check the area out and see what he can do to get rid of the dam.

Drain No. 4: The clean out of the drain is done and we will wait to get a bill from the City of Forman.

Drain No. 7:

Project: Trosen of Moore Engineering agrees that Comstock reached substantial completion as of October 12th, 2023. Comstock submitted a pay application that would include their payment through substantial completion. The application is for \$510,034.03 which includes the retainage of around \$35,000 (5%). Trosen said that Moore would be out to the site today to make a punch list which would include the establishment of grass and seeding, etc. The final pay application is expected next summer for around \$65,000. The construction is expected to come in under budget.

The topic of liquidated damages was discussed based on the fact that Comstock achieved substantial completion 61 days after the contracted date. Trosen said that once Comstock mobilized to the site they worked hard to complete the project even when conditions were wet at times. Trosen said that Comstock was great to work with and construction went smoothly once they started. Manager Speich added that he witnessed the Comstock crew out at the site starting at 7:30 a.m. and many days they were working until 6:30-7:00 at night. Manager Speich added that he thinks the project looks great. Trosen added that if the Board does not assess liquidated damages on this pay application it does not waive their right to do so on future pay applications. The Board was frustrated that Comstock did not mobilize to the site earlier but the quality of their work was strong.

A motion was made by Manager Speich and seconded by Manager Stein to approve Comstock's pay application in the amount of \$510,034.03. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Stein and seconded by Manager Zetocha to concur with Comstock and Moore Engineering that Comstock reached substantial completion of the Drain No. 7 project. Upon roll call, the motion carried unanimously.

#404 Permit: Manager Speich said that he spoke to SC Commission Johnson regarding this permit. Johnson will reach out to Interstate Engineering and get the update as to the status of the permit.

Beaver dam: Manager Speich said that Lauren Ellefson will take care of the beavers that are causing problems along the drain.

Trosen completed the Contract Status Inquiry from Great American Insurance, Comstock's surety. Administrator Willprecht then forwarded the Inquiry back to Great American.

Cattle Grazing: Moore Engineering inspected the NW ¼ of Section 13 along Drain 7 for potential damages caused by cattle grazing activities last month. Moore did not find anything major, mostly just hoof prints in and around the channel. Comstock has not raised this as an issue; they had to do some final grading prior to seeding this area so in Moore's opinion the minor damages observed will not cause any additional work for the contractor.

Drain extension: Manager Speich said that the water depth in the field inlet culverts is up to the bottom of the culverts east of County Road 12. The cattails have stopped a lot of sediment where the drain flows into the natural ditch. The sediment has caused a fill in at the end of the drain. Manager Speich said he has talked with a couple of landowners in that area about a possible drain extension. Landowners would have to petition the Board to proceed with development of an extension project started. Commissioner Mark Breker also commented that something needs to be done with the drain.

Drain No. 9 Extension: No report.

Drain No. 8: Trosen said that the DES did not get the funding they were hoping for so we will not receive any of the requested dollars for an improvement study. We will try again when the next round of funding is presented.

Cogswell Tile: Trosen said that the DES did not get the funding they were hoping for so we will not receive any of the requested dollars for an improvement study. We will try again when the next round of funding is presented.

Drain No. 2: Commissioners Scott Johnson and Mark Breker were in attendance to discuss the removal of spoil from this drain that the county used for its own purposes. An invoice was presented that showed it cost around \$38,000 for the county to haul the spoil away. There is no formal agreement between the SC Commission and the SCWRD that stated how the expense of the hauling would be handled. It was suggested that Administrator Willprecht look back in the SCWRD minutes to see what the discussion was amongst the boards relating to the hauling expense. This item will be tabled until November when the minutes can be reviewed.

Drain No. 12: Commissioners Scott Johnson and Mark Breker were in attendance to discuss what needs to be done after the entire dike was removed by the county on this drain instead of just half of the dike as agreed upon. Sparky Enquist was the County Road Supervisor at that time. Commissioner Johnson said that if the county did something incorrectly, they are willing to fix it, but they cannot get to it until next summer. Next summer the county could put the area into pre-loss condition at a more minimal cost. Commissioner Breker said that he wants to see the SCWRD minutes before making any decision. He would also like the ROW and landowner information provided. Administrator Willprecht will look through the minutes of the SCWRD board to see if she can find when and how this situation was handled.

Short Foot Creek: Josh Hassell of Moore Engineering commented on his tour he did in Canada where he witnessed cattail harvesting. In summary there was a new piece of equipment that was used to harvest the cattails. The new equipment can better handle wet conditions. The new equipment chopped the cattails and appeared to work quite well. It is still unknown at this time how much the harvesting will cost and how many acres per day can be accomplished in adequate conditions. Also, agencies are still looking into potential uses for the harvested cattails such as livestock bedding. The attendees of the tour plan to reconvene at the 41st Annual Red River Basin Land & Water International Summit in Fargo, ND on January 16-18. We are hopeful there will be more information about the potential costs and uses by that time.

Frenier Dam: No report.

City of Stirum: No report.

NEW BUSINESS:

Breker Land Lease: Rent has been received.

Temporary Water Permit(s) Heimbuch Farms: #ND2023-21881/#ND2023-21882/#ND2023-21883

DSJTB bills for approval –

DSJTB bills for approval

85943 DVEC – electricity –	\$ 935.00
086044Ohnstad Twichell-Bond issues	\$ 105.00
86042 Moore Engineering-assessment	\$ 297.50

The motion for bill approval was made during the Dickey-Sargent Joint Board meeting.

Balances as of September 30th, 2023

Maintenance Account Balance:	\$ 25,053.44
Improvement Account Balance:	\$ 176,050.00

**Richland-Sargent Drain #1
Maintenance Fund Financial Statement**

September, 2023

BEGINNING BALANCE September 1, 2023 **\$392,211.55**

REVENUE:

Rt. #23-127 Savings Interest \$1,218.86

TOTAL REVENUE RECEIVED: **\$1,218.86**

EXPENDITURES:

Ck. #21086 Larson Helicopters \$3,657.50

Ck. #21088 Moore Engineering \$11,205.00

Ck. #21089 Ohnstad Twichell \$296.00

TOTAL EXPENDITURES: **\$15,158.50**

TOTAL BALANCE September 30, 2023 **\$378,271.91**

RS #1 MAINTENANCE SAVINGS ACCOUNT BALANCE **-\$15,158.50**

RS #1 MAINTENANCE CHECKING ACCOUNT BALANCE **\$393,430.41**

TOTAL MAINTENANCE FUND BALANCE September 30, 2023 **\$378,271.91**

Meeting adjourned at 9:21 a.m.

APPROVED:

MICHAEL WYUM, VICE-CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER